

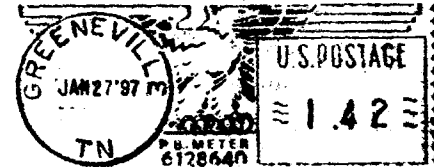
MORRISON
MEDIA SERVICES GROUP INC.

121 West Summer Street
P.O. Box 1630
Greeneville, Tennessee 37744

CERTIFIED

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P&RD

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Policy and Rules Division
Federal Communications Commission
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Jan. 27, 1997

Chief
Policy and Rules Division
Federal Communications Commission
1919 M Street NW
Washington, DC 29554

In the Matter of

Amendment of Section 73.202(b),) MM Docket No. 93-28
Table of Allotments,) RM-8172
FM Broadcast Stations.) RM-8299
(Colonial Heights, Tennessee - File No. BPH-900220MM)

and the Memorandum Opinion and Order adopted Dec. 13, 1997.

REQUEST FOR RECONSIDERATION

1. On behalf of our client radio station WMXK, owned by Newport Publishing Co. (hereafter "Newport"), we request reconsideration of the FCC's decision to allow Murray Communications (hereafter "Murray") to force our station into an involuntary channel move.

2. Our client radio station management was not contacted prior to Murray's efforts to force an involuntary channel move, though two other stations were contacted and ownership apparently remunerated. We have not been contacted by Murray in an effort to resolve the matter at any point since Murray's efforts began. This speaks to the point of Murray asserting to the FCC that "it would reimburse Franklin's costs of changing all of its logos throughout the company, the equipment changes necessary for changing frequency, and other reasonable costs." We contest the sincerity of Murray's promise in that we have not been contacted in regards to cost.

3. Agreements were reached by Murray with WHAY in Whitley City, KY, and Betap Broadcasting, Inc., in Princeton, WV, without regard to our client. It is further noted that Murray agreed to pay Betap Broadcasting, Inc., a sum in excess of costs incurred "for its cooperation in this matter," according to a May 7, 1993 "Comments and Counterproposal" pleading filed with the FCC on behalf of Murray. Should paid prior consent by one or more stations serve to adversely impact another station regarding involuntary channel swap? We contest this action and ask for an FCC interpretation and reconsideration.

4. We question Murray's sincerity in agreeing to "reasonable costs." In fact, we anticipate further FCC action in resolving "reasonable costs" inasmuch as no contact in this regard has been made by Murray. We herewith request that approval of the involuntary channel move of WMXK be reversed or delayed until such time as a financial agreement can be reached between Murray and Newport.

5. Newport is now in the position of not knowing when the determined involuntary channel substitution would occur, thus bringing into question any promotion of its present frequency location, especially since no negotiation contact has been made by Murray in regard to the involuntary channel move. By virtue of the FCC decision, Newport's ability to operate fully is now in limbo and at the mercy of Murray. Therefore, we request formal action from the FCC requiring Murray to immediately negotiate cost and timeliness issues with Newport.

6. It is noted that Murray could upgrade to Channel 290C3 from 290A at Colonial Heights, TN, without affecting the interests of Newport or any other existing station. Instead, Murray sought, and was granted, permission to move the channels of four stations, including Newport, in order that Murray be allowed to upgrade Colonial Heights to Channel 240C2.

7. In point number 7 of the FCC's Dec. 13, 1996 "Memorandum Opinion and Order," it is stated, in part, that the "upgrade proposal will be granted as a non-adjacent channel upgrade because no timely expressions of interest were filed." It is the contention of Newport that its earlier filing met this requirement. It is also noted that the FCC decision of Dec. 13, 1996, in Point 10, states, in part, "Because of the prior finding that Murray's proposal did not qualify for treatment under Section 1.420(g), in the R&O, we deemed it unnecessary to address the issues raised by Franklin." We are saddened by the Commissions decision to not address issues we raised and ask that it do so.

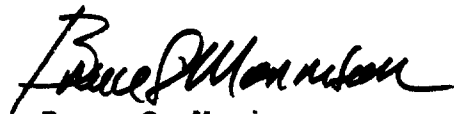
8. Fairness. We believe it unfair to allow those seeking to utilize rulemaking procedures to secure economic gain at the expense of existing radio operations without their consent, especially those involving incompatible channel swaps.

9. Murray has not discharged its burden to demonstrate that Channel 290A is the only channel available at Tazewell. We ask that Murray be required to do so in an effort to protect the interests of Newport.

10. We contend the Commission's earlier decision to grant Murray's proposed allotment of Channel 290C3 was appropriate, and which would not require an existing radio station to change its frequency or site.

11. One very real cost of the injured party is attorney fees. It should be noted that attorney fees for Murray can be considered an investment in that the granting of a license with higher operating power provides an opportunity for greater revenue whereas the injured party has no such opportunity. We request that the FCC recognize this factor in consideration of "reasonable costs."

12. Newport herewith requests reconsideration from the FCC of the Dec. 13, 1996 "Memorandum Opinion and Order."



Bruce G. Morrison
Chief Operating Officer

CERTIFICATE OF SERVICE

I, Bruce G. Morrison, hereby certify that on or before the 27th day of January, 1997, I will have served a copy of the foregoing "Request for Reconsideration" by First Class mail, postage prepaid upon the following:

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Charles Hicks,
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NOTICE TO ALL PARTIES: Please add my name and mailing address to all future correspondence.



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